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16 Attorneys for Plaintiff U.S. EEOC

17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 U.S. EQUAL EMPLOYMENT  
20 OPPORTUNITY COMMISSION,

21 Plaintiff,

22 vs.  
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24 MEATHEAD MOVERS, INC., and  
25 DOES 1-10, inclusive,

26 Defendants.  
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Case No.: 2:23-cv-08177-DSF-AGR<sub>x</sub>

**PLAINTIFF EEOC'S  
SUPPLEMENTAL MEMORANDUM  
IN SUPPORT OF EEOC'S MOTION  
FOR PROTECTIVE ORDER**

**DISCOVERY MATTER**

Hearing: April 8, 2025, 10:00 a.m.  
Judge: Hon. Alicia G. Rosenberg  
Discovery Cut-Off: 12/2/2025  
Pre-Trial Conference: 7/20/2026  
Trial Date: 8/18/2026

1       **I. INTRODUCTION**

2       This case is about Meathead and its intentional recruitment and hiring of young  
3 persons and exclusion of older workers because of age. Rather than litigate the merits  
4 of this case, Meathead seeks to conduct a full-blown investigation of EEOC's  
5 investigation and put EEOC on trial instead. This is why Meathead seeks Investigator  
6 Lidholm's deposition.

7       Meathead claims the investigator's testimony is relevant to its affirmative  
8 defense alleging EEOC did not meet its prerequisites to suit. But Meathead does not  
9 dispute any actual prerequisites. Meathead flags for the Court that EEOC's underlying  
10 investigation was initiated by a Directed Charge, but Meathead does not dispute EEOC  
11 has the authority to issue Directed Charges and bring litigation to enforce the Age  
12 Discrimination in Employment Act, as it has done here. Whether the charge was filed  
13 by an individual or EEOC Director is irrelevant. Meathead does not dispute EEOC  
14 notified Meathead it was investigating<sup>1</sup> its hiring practices; that the EEOC investigated;  
15 and that EEOC notified Meathead EEOC found companywide age discrimination in  
16 hiring and recruitment. And Meathead does not dispute EEOC attempted to conciliate.  
17 Based on these undisputed facts, as a matter of law, EEOC fulfilled its statutory  
18 prerequisites. *Mach Mining, LLC v. EEOC*, 575 U.S. 480, 483-84 (2015). Meathead  
19 also claims Investigator Lidholm's testimony is relevant to its laches defense but  
20 ignores that Mr. Lidholm's involvement in this matter ended in 2019. There is no  
21 legitimate need for the investigator's testimony.

22       Meathead claims it is seeking "the facts" about EEOC's investigation and to  
23 clarify "ambiguities" in the investigative file—but it never articulates actual facts  
24 sought or ambiguities purportedly requiring clarification. And its last-ditch argument  
25 that it needs the investigator's testimony as the "sole, non-lawyer witness to all of the  
26 alleged discrimination" is flatly untrue. *See* ECF No. 80 ("Joint Stip.") at 15:28-16:3.  
27 Mr. Lidholm is not a percipient witness to the alleged discrimination; he had no role in  
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<sup>1</sup> EEOC's investigation began in Nov. 2017, not 2015 as Meathead says. Joint Stip. 44.

1 establishing or enforcing Meathead’s discriminatory policies or hiring decisions. Nor  
2 does he have personal knowledge of claimants’ experiences at Meathead. He only  
3 knows what others told him, including Meathead and claimants. Investigator Lidholm’s  
4 personal knowledge is limited to what he did in the investigation. That fact tells the true  
5 tale of why Defendant wants to depose him—to put EEOC and its investigation on trial  
6 and distract from Meathead’s discriminatory practices. Trial in this case is *de novo*—  
7 meaning Meathead is not liable based on EEOC’s finding of discrimination; EEOC  
8 must prove the discrimination alleged. The investigator’s testimony about what he did,  
9 or did not do, during his investigation will not lead to “facts related to the EEOC’s  
10 putative class” or “their accounts of the circumstances of their alleged discrimination.”  
11 Joint Stip. at 14:9-14. Meathead’s stream-of-consciousness Opposition, riddled with  
12 idioms, makes clear that Meathead has no legitimate purpose for seeking Investigator  
13 Lidholm’s deposition. Meathead is not “seeking the facts.” This is a fishing expedition  
14 into the EEOC’s deliberative process, which is privileged.

## 15 II. FOLLOW-UP DISCUSSION

16 EEOC stands on its moving papers, and cannot respond point-by-point given the  
17 page limit. It takes this opportunity to address a few specific claims by Meathead.

18 First, Meathead is not a “small business” fighting for survival. Joint Stip. at  
19 13:11-12. Outside of this case, Meathead contends it is the largest independent moving  
20 company in California, and just announced it is opening a Newport Beach location.  
21 Ringer Supp. Decl. at ¶ 8; Exhibit C. Meathead is a growing business in good financial  
22 health and must stop pleading poverty unless it is prepared to prove it<sup>2</sup>.

23 Second, Meathead was fully aware of EEOC’s intent to seek a protective order:  
24 EEOC notified Meathead in its February 7th Letter EEOC “intends to seek a protective  
25 order” if “the parties are unable to resolve this dispute without court intervention.” Exh.  
26 5 (ECF No. 80-006). After the Parties conferred, EEOC confirmed in its February 19th  
27 Letter that “EEOC will be preparing a motion for protective order.” Exh. 7 (ECF No.  
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<sup>2</sup> EEOC sought financial information in discovery and Meathead refused to produce it.

1 80-008). Any time (and fees) Meathead’s counsel purportedly wasted preparing for Mr.  
2 Lidholm’s deposition is their own fault. Meathead was also present when this Court  
3 told the Parties it needed formal briefing to rule on EEOC’s privilege arguments, which  
4 is why EEOC brought a motion. *See* ECF No. 51 at 41:5-22. Meathead disingenuously  
5 argues EEOC is seeking an “exemption” from normal discovery rules. EEOC is  
6 following the federal rules in seeking a protective order, not trying to evade them.  
7 EEOC is also not seeking a “blanket protective order,” as Meathead argues. EEOC has  
8 demonstrated good cause.

9 Third, Meathead fails to even attempt to grapple with the weight of the authority  
10 in the Ninth Circuit wherein courts limit or wholesale bar depositions of EEOC  
11 personnel. Its out-of-circuit citations are not controlling or persuasive. Rather than  
12 address contrary authority head on, Meathead’s counsel misconstrues the law. For  
13 instance, Meathead contends that the court in *EEOC v. Cal. Psychiatric Transitions*,  
14 258 F.R.D. 391 (E.D. Cal. 2009) rejected arguments similar to EEOC’s and “den[ie]d  
15 the] deliberative process privilege to [the] deposition of [the] EEOC investigator.” Joint  
16 Stip. at 14:14-20, 15:13-14. Quite the contrary, the Eastern District *agreed* with  
17 EEOC’s deliberative process privilege arguments but permitted the investigator  
18 deposition to proceed *only* with respect to ambiguities in the file, as there were notes  
19 missing. Here, Meathead still has not identified *one* ambiguity it seeks clarification  
20 upon, because that is not its intended purpose. *See* Joint Stip. at 14:24-25.

21 Meathead’s lack of specification regarding purported ambiguities matters and  
22 was one of the reasons Magistrate Judge Rozella A. Oliver recently ruled against the  
23 defendant in *EEOC v. Justin Vineyards and Winery LLC et al.*, No. 2:22-cv-0603, 2024  
24 WL 5431489, at \*2 (C.D. Cal. Dec. 10, 2024), a ruling pending on a motion for  
25 reconsideration. With respect to this pending motion, Meathead’s factual assertion that  
26 EEOC “requested a continuance” of the *Justin* hearing so that that motion would not  
27 “be decided before” the filing of the instant motion is a flat lie. Joint Stip. at 37:5-9.  
28 EEOC’s lead counsel in *Justin*, Mealea Thou, was ill and unable to argue the summary  
judgment portion of the hearing; EEOC notified defense counsel EEOC could proceed

1 with the reconsideration portion and they declined. Ringer Supp. Decl. ¶¶ 3-7; Exhs. A,  
2 B. For Meathead to tell this Court, *without any factual or evidentiary basis*, that EEOC  
3 counsel *lied* to gain an advantage in this litigation is downright unethical.<sup>3</sup>

4 Meathead suggests EEOC was mistaken in citing recent EEOC decisions out of  
5 the Ninth Circuit, then tries to take on other defendants' cases and rewrite the  
6 procedural history instead of focusing on its own defense. Joint Stip. at 25-28. In doing  
7 so, Meathead mischaracterizes the decisions in *Il Fornaio*, *Justin*, *Swamis*, and *National*  
8 *Raisin*. For instance, Meathead incorrectly interprets the *EEOC v. Sunshine Raisin*  
9 *Corp.*, 2023 WL 7926209 (E.D. Cal. Nov. 16, 2023) decision as adverse to EEOC's  
10 argument here. There, the District Judge partially granted EEOC's motion for  
11 reconsideration and agreed with EEOC that the defendant could not inquire generally  
12 into "all steps in [EEOC]'s investigation", which the defendant asserted was relevant to  
13 its defense that some claims exceeded the investigation's scope. *Id.* at \*1. Where the  
14 court permitted questioning of EEOC personnel, the court explains this was largely due  
15 to the high standard of review. In permitting testimony regarding EEOC's factual bases  
16 for complaint allegations, the court explains that "[l]ike the magistrate judge, the Court  
17 has strong doubts whether there is any non-privileged information responsive", but that  
18 EEOC and the Magistrate Judge both relied on non-binding in-Circuit authorities, and  
19 "the question is not whether the Court would come to a different conclusion, but  
20 whether the Magistrate Judge's determination is contrary to law. The Court cannot  
21 make that finding." *Id.* at \*2. Similarly, with respect to testimony regarding the  
22 investigation, the court found the Magistrate Judge was not contrary to law, but limited  
23 the scope of the defendant's inquiry to the areas of the complaint which defense counsel  
24 had a "good faith basis to believe did not grow out of the investigation of the original  
25 charge." *Id.* at \*5. Read with this context, the *Sunshine* court agreed that the sufficiency  
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27 <sup>3</sup> Attorneys must ensure statements about facts are "reasonably based" on evidentiary  
28 support, or a belief that such evidence actually exists. Fed. R. Civ. P. 11(b)(3)-(b)(4); *see*  
*also* Cal. Rules of Professional Conduct, Rules 8.4 (Misconduct includes "reckless or  
intentional misrepresentation"); 3.3 (a lawyer "shall not" "knowingly make a false statement  
of fact or law to a tribunal").

1 of EEOC's investigation is not subject to judicial review. The *Il Fornaio*, *Swami's*, and  
2 *Justin* decisions are similarly consistent with EEOC's argument here, though each  
3 involved challenges to conditions precedent that are distinct from the instant case.

4 Meathead also misstates the law regarding the adequacy of EEOC's Charge.  
5 Meathead asserts incorrectly courts have held the language in "EEOC's charge against  
6 Meathead Movers is 'inadequate'" and cites to *EEOC v. PC Iron, Inc.*, 316 F. Supp. 3d  
7 1221 (S.D. Cal. 2018) as support. Joint Stip. at 37:25-38:2. The *PC Iron* decision  
8 concerned EEOC's Letter of Determination (LOD)—not the Charge. 316 F. Supp. 3d at  
9 1231-32. Further, the court found EEOC's LOD *was* sufficient and *struck* defendant's  
10 conciliation-related defense given the "relatively barebones review" required. *Id.* at 1232.  
11 Meathead cites the dicta—when the holding was EEOC's language was sufficient.  
12 Meathead is wrong again on the facts and the law.

13 Finally, importantly, Meathead falsely states the "Ninth Circuit explicitly permits  
14 inquiry into the adequacy of EEOC investigations," Joint Stip at 31:25-32:5, and cites to  
15 *Plummer v. Western Int'l Hotels, Co., Inc.*, 656 F.2d 502, 505 (9th Cir. 1981) and a district  
16 court decision. The Ninth Circuit in *Plummer* did not hold that inquiry into EEOC  
17 investigations was permissible. *Plummer* does even *discuss* EEOC investigations.

18 Meathead is not seeking facts about the investigation—it is seeking  
19 conclusions made by the EEOC investigator. Meathead is not asking for who, what,  
20 where, when. It wants to know what factual findings were made, and what employment  
21 practices the EEOC considered in reaching its reasonable cause finding, which is  
22 privileged. It has failed to identify any ambiguities that require clarification and it  
23 should not be permitted to retroactively do so. Investigator Lidholm is not a relevant  
24 witness for Meathead's invalid, failure to meet statutory prerequisites, defense.  
25 Meathead is also not seeking a witness to the "alleged discrimination." Mr. Lidholm has  
26 no personal knowledge of EEOC's allegations. Meathead is also not seeking a witness  
27 regarding laches given Mr. Lidholm has no knowledge of conciliation or subsequent  
28 work by EEOC. The only matter with which Investigator Lidholm *is* a percipient  
witness, is to the deliberative process of EEOC during its investigation of Meathead.

1       **III. CONCLUSION**

2           For the reasons stated above and in EEOC's motion, good cause exists for a  
3 protective order barring the deposition of Investigator Lidholm in its entirety.

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5 Dated: March 25, 2025

Respectfully submitted,

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7 U.S. EQUAL EMPLOYMENT  
8 OPPORTUNITY COMMISSION

9 By: /s/ Andrea E. Ringer

10 Andrea E. Ringer  
11 EEOC Attorney  
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